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September 15, 2009

The Honorable Robert S. Mueller, III
Director
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Ave., N.W.
Washington, D.C. 20535

Dear Director Mueller:

I am writing to encourage the FBI to open an investigation into the Association of Community Organizations for Reform Now, also known as ACORN, including a possible investigation under the Racketeer Influenced Corrupt Organization Act (RICO) as a criminal enterprise.

It is no longer in doubt that ACORN engages in extremely questionable, if not illegal, activity. For example, last summer it was uncovered that approximately \$1 million was embezzled from the organization by the brother of its founder, yet the organization failed to report the theft to its Board or law enforcement officials until the theft was made public by the media.

Last year in Seattle, local prosecutors indicted seven ACORN workers for conduct considered to be the worst case of voter registration fraud in Washington state history. Of 2,000 names submitted by ACORN, only nine were confirmed as valid. The rest—over 97%—were fake. In Missouri, officials found that over 1,000 voter addresses submitted by ACORN did not exist. Eight ACORN employees pled guilty to federal election fraud there. In Ohio, an employee of one ACORN affiliate was given crack cocaine in exchange for fraudulent registrations that included underage voters and deceased individuals. Last year in Pennsylvania, a former ACORN worker was charged with 19 counts of perjury, making false statements, forgery and identity theft. Ultimately, voter registration fraud allegations have led ACORN to be subject to investigation in 15 states.

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Equally troubling is an October 22, 2008, *New York Times* article describing an internal report prepared for ACORN expressing concerns about "potentially improper use of charitable dollars for political purposes; money transfers among [ACORN's] affiliates; and potential conflicts created by employees working for multiple affiliates."¹

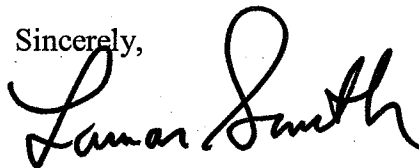
It is likely just this sort of information that led the U.S. Census Bureau to inform ACORN just last week that it has terminated their partnership for the 2010 Census stating, "Unfortunately, we no longer have confidence that our national partnership agreement is being effectively managed through your many local offices."²

Most recently, there is evidence that ACORN employees have been prepared to assist in interstate and international trafficking of young women and girls for sexual purposes. Undercover video from private citizens appears to show ACORN employees willing to conspire with persons they believed to be involved in prostitution and trafficking in persons.

Based on ACORN's previous conduct and recent reports suggesting continued fraudulent and other illegal activity, it is clear there exists significant justification for federal law enforcement officials to conclude that ACORN should be investigated for potential criminal conduct, including the question of whether the organization itself is a criminal enterprise.

Our democracy is dependent upon the integrity of our election process. Thank you for your attention to this important matter and I look forward to your reply.

Sincerely,



Lamar Smith
Ranking Member

cc: The Honorable John Conyers, Jr.

¹ Stephanie Strom, "ACORN Report Raises Issues of Legality," *The New York Times* (October 22, 2008).

² Major Garrett, "U.S. Census Bureau Severs Ties with ACORN for 2010 Census, Fears Group's Bad Reputation Could Undermine Count," available at <http://whitehouse.blogs.foxnews.com/2009/09/11/us-census-bureau-severs-ties-with-controversial-group-ACORN/>.